

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES GIBSON,)	
)	
Plaintiff,)	Case No. 19 CV 4152
)	
v.)	Honorable Judge Cummings
)	
CITY OF CHICAGO, et al.,)	Magistrate Judge Weisman
)	
Defendants.)	

Defendant Officers’ Unopposed Motion for Alternative Trial Date

Defendants William Moser, Louis Caesar, Jerome Rusnak, Victor Breska, John Paladino, John Byrne, Phil Collins as the Special Representative for the Estate of Phillip Collins (“Collins Estate”), Susan McCann as the Special Representative for the Estate of John McCann (“McCann Estate”), Pam O’Mara as the Special Representative for the Estate of John O’Mara (“O’ Mara Estate”), Geri Lynn Yanow as the Special Representative for the Estate of Anthony Maslanka (“Maslanka Estate”) and Douglas Stalley as the Special Representative for the Estate of Jon Burge (“Burge Estate”), (collectively “Defendant Officers”) respectfully request this Court consider an alternative trial date for this matter and states as follows:

1. On November 25, 2024, the Court bifurcated Plaintiff’s *Monell* claim from his claims against Defendant Officers and directed counsel for Plaintiff and Defendant Officers to file a status report regarding their availability for trial, should claims survive summary judgment. *Docket No. 527*.
2. Both counsel for Plaintiff and Defendant Officers stated that they were available for an April 28, 2025 trial date, which the Court had previously offered. *Docket No. 530*. Since the April 28 date was first offered by the Court, a trial date of June 16, 2025 has been set

in three matters which were recently consolidated for trial purposes: *Galvan v. Switski, et al.*, 23 CV 3158, *Nañez v. Switski, et al.*, 23 CV 3162, and *Almendarez v. Switski, et al.*, 23 CV 3165. Defendant Officers' counsel also represent the Defendant Officers in these consolidated matters.

3. Counsel for Plaintiff and Defendant Officers have conferred and remain available for a trial of April 28, 2025, but counsel for Defendant Officers respectfully request a trial date of April 14, 2025 instead, if the Court's schedule allows. At this time, the Court has not yet confirmed the April 28, 2025 trial date in this matter nor a date for the pretrial conference. To accommodate counsel for the Defendant Officers and depending upon the Court's decision on the motion to reconsider, Plaintiff's counsel is ready and prepared to go to trial against the City of Chicago or the Defendant Officers on April 14, 2025 or April 28, 2025.
4. It is important to note that Plaintiff filed a motion asking the Court to reconsider the bifurcation of the *Monell* claims. *Docket No. 539*. The City has filed a response, which Defendant Officers joined. *Docket No. 547*. As stated in that response and previously to this Court, counsel for Defendant City is unavailable on April 28, 2025 date and are also unavailable for an April 14, 2025 trial date because of the City's counsel's scheduled trial on April 21, 2025 in another matter. The City does not object to either April trial date assuming *Monell* remains bifurcated and will not be tried before the claims against the Defendant Officers. The City cannot consent to either date if *Monell* will be part of the trial.

WHEREFORE, counsel for Defendant Officers respectfully request this Court consider an alternate trial date of April 14, 2025 for the claims between Plaintiff and Defendant Officers should

any claims survive summary judgment and subject to the Court's decision on Plaintiff's Motion for Reconsideration.

Respectfully submitted,

/s/ Shawn W. Barnett

Shawn W. Barnett

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Certificate of Service

I, the undersigned attorney, certify that I caused this motion to be filed with the Clerk of the Northern District of Illinois using the Court's electronic filing system. As a result, copies of the filed document were electronically served upon all counsel of record.

A paper courtesy copy of the filed motion may have been provided to the Court depending upon the Court's standing order.

/s/ Shawn W. Barnett